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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
RONALD LIPTON and BRETT LIPTON,

Plaintiffs,

-against- 00 Civ. 319 (LEK) (RWS)

JOHN WOOTON, KEVIN LANE, EDWIN BREWSTER, THE TOWN OF
WOODSTOCK, TOWN OF SAUGERTIES, GREG HULBERT, CHIEF
OF THE TOWN OF SAUGERTIES POLICE DEPARTMENT and JOHN
DOE, AN UNIDENTIFIED TOWN OF SAUGERTIES POLICE OFFICER,

Defendants.

-----X

EXAMINATION BEFORE TRIAL

of the Defendant, EDWIN BREWSTER, held on October 15th,
2002, commencing at 12:34 p.m., at the offices of Valley
Reporting Service, 115 Green Street, Kingston, New York,
before Kimberly Burke, a Shorthand Reporter and Notary
Public in and for the State of New York.

* * * * *

VALLEY REPORTING SERVICE
115 Green Street
Kingston, New York 12401
(845) 331-4020

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RONALD LIPTON
BRETT LIPTON
KEVIN LANE
JOHN WOOTON
GREG HULBERT

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by
and between the counsel for the respective parties
hereto that all rights provided by the C.P.L.R.,
including the right to object to any question,
except as to the form, or to move to strike any
testimony at this examination, are reserved; and,
in addition, the failure to object to any question
or to move to strike testimony at this examination
shall not be a bar or waiver to make such a motion
at, and is reserved for, the trial of this action.

IT IS FURTHER STIPULATED AND AGREED that this
examination may be signed and sworn to by the
witness being examined, before a Notary Public
other than the Notary Public before whom this
examination was begun, but the failure to do so,
or to return the original of this examination to
counsel, shall not be deemed a waiver of rights
provided by Rules 3116 and 3117 of the C.P.L.R.,
and shall be controlled thereby.

IT IS FURTHER STIPULATED AND AGREED that
the filing of the original of this examination
shall be and the same is hereby waived.

1

2

EDWIN BREWSTER,

3

having been first duly sworn by the Notary Public,

4

was examined and testified as follows:

5

* * * * *

6

EXAMINATION BY MR. SMITH:

7

Q. Good afternoon, Chief. I'm Alex Smith. If I ask

8

you anything that you don't understand, let me

9

know and I will rephrase it for you; okay?

10

A. Yes.

11

Q. How are you presently employed?

12

A. I'm a detective sergeant with the Ulster County

13

Sheriff's Office.

14

Q. How long have you been so employed?

15

A. In the title of detective sergeant, three years.

16

Q. Before that, were you also employed with the

17

sheriff's department?

18

A. I worked part-time when I was chief at Woodstock.

19

Q. When you were part-time, what was your job title?

20

A. Deputy.

21

Q. Are you still the Woodstock police chief?

22

A. No, I'm not.

23

Q. Because you're now full-time with the Ulster

24

County Sheriff's Department?

25

A. Yes.

1 EDWIN BREWSTER

2 Q. When did you cease being the police chief at
3 Woodstock?

4 A. January of '99, maybe 2000. I have been out for
5 three years, I believe.

6 Q. You were the police chief on February 14th, 1999;
7 is that fair to say?

8 A. Yes.

9 Q. How long had you been the Woodstock police chief?

10 A. Three years.

11 Q. Before that, were you employed by the Town of
12 Woodstock?

13 A. I was employed by the Ulster County Sheriff's
14 Office.

15 Q. Just part-time as you told me?

16 A. No, full-time.

17 Q. You were a full-time deputy?

18 A. I had been full-time with the sheriff's department
19 since 1980; I left for three years to become chief
20 at Woodstock while I maintained part-time status
21 at the sheriff's department. Then I returned to
22 the sheriff's department full-time.

23 Q. Were there any other law enforcement jobs that you
24 haven't told me about?

25 A. I have worked part-time for other local PDs in the

1 EDWIN BREWSTER

2 Town of Rosendale, the Town of Hurley and the Town
3 of Kingston.

4 Q. Prior to 1980?

5 A. Yes, and the Town of Kingston in 1977.

6 Q. Was that your first duty as a police officer in
7 1977?

8 A. Yes.

9 Q. Referring you to February 14th of 1999, did you
10 keep regular hours as chief in those days or was
11 it on an as-needed basis?

12 A. It was as-needed, but my general schedule was
13 Monday through Friday.

14 Q. From when to when?

15 A. 9:00 to 5:00 generally.

16 Q. Were you working a regular workday on February
17 14th?

18 A. No, I was not.

19 Q. What were you doing that day?

20 A. I was off.

21 Q. Did there come a time when you came to the police
22 station?

23 A. Yes.

24 Q. When was that?

25 A. It was in the evening hours, probably around 5:30

1 EDWIN BREWSTER

2 or 6:00.

3 Q. Was there a reason that you came to the police
4 station that day?

5 A. Yes.

6 Q. What was that reason?

7 A. I was contacted at my residence and told about the
8 arrest that we had just had, and I came to the
9 station.

10 Q. And that arrest would be the Liptons; right?

11 A. Yes.

12 Q. Was there a reason that you were needed at the
13 station for this particular arrest?

14 A. The information I got -- and I don't recall who
15 called me -- but in fact, at least one of the
16 participants that we had in our arrest was a
17 suspect in a homicide in, I believe it was, the
18 Town of Newburgh, or it was a shooting on I-84.
19 That's what I was made aware of.

20 Q. Do you remember who told you this?

21 A. I don't remember who called me.

22 Q. Was the person who called you someone from your
23 own police department?

24 A. I believe so, yes.

25 Q. So it was your understanding that this person was

1 EDWIN BREWSTER

2 giving you secondhand information from another
3 police agency about the suspect?

4 A. Right, correct.

5 Q. Prior to getting that telephone call, had you
6 known or heard of Ron Lipton?

7 A. No.

8 Q. Brett Lipton?

9 A. No.

10 Q. Prior to that day, February 14th, did you know a
11 Jim Wrolsen?

12 A. Yes.

13 Q. How did you know him?

14 A. I knew him to be a part-time officer in the Town
15 of Saugerties.

16 Q. Did you know him personally?

17 A. No, I had met him once at an accident scene.

18 Q. Did you ever socialize with him?

19 A. No.

20 Q. Did you know anyone from his family?

21 A. No.

22 Q. Did you know where Wrolsen Road was?

23 A. No.

24 Q. Did you know that Jim Wrolsen was a member of the
25 Ku Klux Klan?

1 EDWIN BREWSTER

2 A. No, sir.

3 Q. Other than the one telephone call that you told me
4 about, did you receive any other information about
5 the Liptons or the arrest that had been made
6 before you left for the police station that day?

7 A. No, sir.

8 Q. When you got to the police station, were the
9 Liptons there?

10 A. Yes, sir.

11 Q. Do you remember about what time you got there?

12 A. No, I do not. It was after dark, if I recall.

13 Q. What did you do upon getting there?

14 A. I talked to Officer Wooton and Officer Lane and
15 asked them pretty much to sum up what had
16 happened. And at that point, I made a phone call
17 -- or I don't know if there was a message there to
18 call, or somehow I was put in touch with a Town of
19 Newburgh officer about the Liptons.

20 Q. Who was that officer that you were put in touch
21 with?

22 A. All I remember is it was a female.

23 Q. Would the name Margaret Hansen refresh your
24 memory?

25 A. I have no idea.

1 EDWIN BREWSTER

2 Q. Did you call that person?

3 A. Yes.

4 Q. Prior to making that call, did Officers Wooton and
5 Lane advise you what the Liptons had been arrested
6 for?

7 A. Yes.

8 Q. What did they tell you?

9 A. A trespass complaint from Saugerties.

10 Q. Was that trespass as a violation or trespass as a
11 misdemeanor?

12 A. I did not ask. I assume it was a misdemeanor,
13 because we made the arrest.

14 Q. Other than the fact that you made the arrest --
15 when I say "you," I mean the Wooton Police
16 Department -- was there any other basis for your
17 assumption that it was a misdemeanor?

18 A. Procedurally, it would have had to have been.

19 Q. It was your understanding then that your officers
20 would have no authority to arrest somebody if that
21 person committed a violation, as opposed to a
22 crime, in another jurisdiction; correct?

23 A. Correct.

24 Q. Other than that fact that they wouldn't have such
25 authority, was there any other information that

1 EDWIN BREWSTER

2 you had then with regard to the Saugerties offense
3 that led you to believe that it was a misdemeanor?

4 A. No.

5 Q. Did your officers also advise you that the Liptons
6 were being charged with criminal possession of a
7 weapon?

8 A. Yes.

9 Q. Had they already been charged with that upon your
10 arriving, by the way?

11 A. I don't know if the paperwork had been done, but I
12 had been told on the phone that that was one of
13 the charges.

14 Q. Was there any discussion about the weapon before
15 you got on the phone to the Town of Newburgh
16 officer?

17 A. No, I think that was one of the first things I did
18 when I got to the station.

19 Q. Had you seen the weapon before you got on the
20 telephone with the Newburgh police officer?

21 A. No.

22 Q. When you made the telephone call, did you call
23 into the Newburgh police station or somewhere
24 else?

25 A. I believe it was to the Newburgh PD; the Town PD.

1 EDWIN BREWSTER

2 Q. Are tapes made of telephone calls that are made
3 from the Woodstock Police Department?

4 A. Yes, but there are lines that are untaped.

5 Q. Did you make this call on a taped or untaped line?

6 A. I have no idea.

7 Q. Does any tape exist of your telephone conversation
8 that day?

9 A. I don't know.

10 MR. SMITH: I'm going to ask that a
11 good faith effort be made to check and see if a
12 tape exists of that telephone call.

13 MR. POSNER: Okay.

14

15 **COUNSEL REQUESTS INFORMATION TO BE SUPPLIED**

16

17 Q. Is there a policy in the Woodstock Police
18 Department to retain tapes for a given period of
19 time of telephone conversations?

20 A. Yes.

21 Q. What is that period of time?

22 A. You have got to understand that the police and the
23 dispatch are separate; we are separate entities
24 altogether. They basically work for me as one of
25 three people; they work for the fire chief, they

1 EDWIN BREWSTER

2 work for me and they work for the EMS, so they
3 have their own separate committee. What their
4 policy is, I don't know off the top of my head how
5 long they hold onto it.

6 Q. Let's speak about your dispatcher on police
7 business, do you know if there is a policy of
8 retaining these tapes for any given period of
9 time?

10 A. It would be held the same as the other tapes.

11 Q. But you don't know what that time period is?

12 A. No.

13 MR. SMITH: I'm going to ask that a
14 good faith effort be made to find out whether or
15 not tapes have been retained of any telephone
16 conversations from the dispatcher that day to
17 Saugerties or anywhere else.

18 MR. POSNER: I think a tape has been
19 produced; hasn't it?

20 MR. ISSEKS: A tape has been produced
21 and it appears to be radio dispatches, but what we
22 are requesting is any tapes that may not have been
23 produced. That is, any telephone conversations
24 that there might have been from the police
25 station.

1 EDWIN BREWSTER

2 MR. POSNER: We will do a further
3 search.

4 Q. Let me ask another question. Is it also fair to
5 say that tapes are kept of telephone calls made by
6 Woodstock police officers on telephones other than
7 the dispatcher's phone?

8 A. But they're all interconnected on the same tapes.
9 There are separate phones in each office, but the
10 lines are the same, and whatever lines are taped
11 in dispatch would be taped in my office or
12 wherever.

13 Q. So it's possible that the call you made to the
14 Newburgh Police Department would be taped on the
15 same line as the dispatcher's line?

16 A. Right; it's the same line.

17 MR. SMITH: I'm going to ask that a
18 good faith effort be made to determine whether any
19 tapes exist other than what has already been
20 produced.

21

22 **COUNSEL REQUESTS INFORMATION TO BE SUPPLIED**

23

24 Q. Were you put through to this Newburgh police
25 officer when you made the telephone call that

1 EDWIN BREWSTER

2 night?

3 A. Yes.

4 Q. Do you remember the rank of that officer?

5 A. I want to say it was just an officer. I wouldn't
6 say any higher than a sergeant; I wasn't talking
7 to the brass.

8 Q. Did you make any notes while you were engaged in
9 this conversation with this person?

10 A. No.

11 Q. You believe it was a female?

12 A. I believe it was a female.

13 Q. What did she tell you?

14 A. Only that Mr. Lipton, the elder Mr. Lipton, was
15 possibly a suspect in a homicide on I-84.

16 Q. Did she tell you that he was presently a suspect
17 or he had been at some point in the past?

18 A. I don't recall. I want to say she said presently.

19 Q. Did she tell you anything else about either of the
20 Liptons?

21 A. Other than they had had some previous dealings
22 with them, that was it.

23 Q. How did she describe those dealings?

24 A. Just that she knew them.

25 Q. Did she give you any details about those dealings

1 EDWIN BREWSTER

2 at all?

3 A. No, I took it to mean that they weren't social
4 dealings. It was some type of work-related
5 dealings.

6 Q. How long did your telephone conversation last?

7 A. Not long, a few minutes.

8 Q. Did the police officer on the other end make any
9 requests of you with regard to the Liptons?

10 A. No.

11 Q. Did they make any suggestions about what to do
12 with them?

13 A. No.

14 Q. Was there any discussion about a follow-up to this
15 telephone conversation?

16 A. No.

17 Q. What did you do after you got off the phone with
18 her?

19 A. I believe at that point was when we took Brett to
20 the detective unit to speak to him.

21 Q. Who is "we"?

22 A. Myself and Detective Lane.

23 Q. For that purpose did you do that?

24 A. We wanted to see if he was willing to talk about
25 anything he knew about the homicide.

1 EDWIN BREWSTER

2 Q. Was that the sole purpose of taking him aside, to
3 talk about the homicide?

4 A. Yes.

5 Q. Did you take him aside?

6 A. Yes.

7 Q. Can you tell me the substance of the conversation
8 that you had with him?

9 A. We talked about his background and we briefly
10 talked about the gun. He said that it was a legal
11 gun. Then I told him that my real interest was in
12 talking to him about whether if he knew anything
13 about this homicide on I-84 and he stated -- I
14 believe I had notes from that which may be
15 somewhere in your file -- I believe he told me
16 that his father had already been talked to about
17 it and it was done or over with, something along
18 those lines.

19 Q. When he said that he had been talked to about it,
20 did you take that to mean that he has been talked
21 to by law enforcement?

22 A. By the police, yes.

23 Q. Did he specify what law enforcement agency that
24 was with?

25 A. I believe he said the state police.

1 EDWIN BREWSTER

2 Q. I'm showing you one of the pages in the
3 Defendant's Response to Plaintiffs' Demand for
4 Production of Documents. Can you identify that as
5 the notes that you were talking about?

6 A. Yes, sir.

7 Q. Those are the notes?

8 A. Yes.

9 Q. Is that all your handwriting on that page?

10 A. Yes, sir.

11 Q. Those notes are solely from the conversation that
12 you and Detective Lane had with Brett Lipton?

13 A. Yes, sir.

14 Q. Is there a reason that you and Lane decided to
15 speak to Brett rather than Ron about the homicide?

16 A. Brett was never mentioned as a suspect of it, so
17 we would certainly want to talk to him rather than
18 directly to the suspect.

19 Q. Was your conversation with Brett that night taped?

20 A. No, sir.

21 Q. How long did that conversation go on for?

22 A. If it's not written down, my guess would be half
23 an hour or maybe a little more.

24 Q. Did you form an opinion during that half an hour
25 or at the end of that half an hour that Brett was

1 EDWIN BREWSTER

2 being cooperative with you?

3 A. Yes.

4 Q. Did you form an opinion as to whether he was
5 giving you truthful information?

6 A. Yes. I had really no way of verifying it, but
7 from what he seemed to be telling me, he seemed to
8 be truthful.

9 Q. Your gut instinct as a long-term police officer
10 was that he was telling you the truth?

11 MR. POSNER: Objection.

1 EDWIN BREWSTER

2 A. Sure.

3 Q. This was done in your office?

4 A. Yes.

5 Q. Who brought him into your office?

6 A. I probably brought him in myself.

7 Q. You don't have any recollection of that?

8 A. No. He was right around the corner from me, so I
9 would assume I did it.

10 Q. And you then had a conversation with Ron Lipton?

11 A. Yes.

12 Q. Was anyone else present during that conversation
13 other than you?

14 A. No, sir.

15 Q. Was this conversation taped?

16 A. No, sir.

17 Q. Tell me the substance of what was said?

18 A. Mr. Lipton was a little agitated with the
19 Saugerties police. He wanted me to listen to
20 several tape recordings he had, and I told him
21 that I wasn't interested in that and if he had a
22 problem with the Saugerties police, that he would
23 really have to deal with the Saugerties police.
24 He mentioned that he had talked to Chief Hulbert
25 and then I said, That's probably the gentleman

1 EDWIN BREWSTER

2 that you would have to speak to about it, but that
3 I was not interested in hearing the tapes, because
4 it had no relevance to what we had arrested him
5 for.

6 Q. Prior to this conversation with Ronald Lipton in
7 your office, had you had any conversations with
8 anyone from the Saugerties PD that day about the
9 Liptons?

10 A. No, sir.

11 Q. Had you had any conversations that day with anyone
12 from the Saugerties PD about Wrolsen?

13 A. No, sir.

14 Q. Had any of your officers, prior to that
15 conversation with Ronald Lipton in your office,
16 told you that the problem Lipton was having with
17 the Saugerties PD had to do with Wrolsen?

18 A. Did any of my officers tell me that?

19 Q. Right.

20 A. No, I think Mr. Lipton told me that.

21 Q. How long did that conversation last with Ronald
22 Lipton?

23 A. Ten to fifteen minutes. He was insisting on me
24 listening to the tapes and when I didn't do that,
25 that was pretty much the end of our conversation.

1 EDWIN BREWSTER

2 Q. Did he make any other requests of you during that
3 conversation?

4 A. No, I don't believe so.

5 Q. Did you ever hear those tapes that he was asking
6 you to listen to?

7 A. No, sir.

8 Q. Did you have any conversations with Ronald Lipton
9 in your office about whether or not the gun was
10 legal?

11 A. I don't know if that took place in my office. I
12 mean, pretty much the whole time he was claiming
13 it was legal. That was not necessarily directed
14 at me, but anybody who would listen at that point.

15 Q. Did you at any time that night make any inquiry of
16 your officers as to whether or not they had
17 measured the gun?

18 A. Yes.

19 Q. Did your inquiry take place before or after your
20 conversation with Ronald Lipton?

21 A. I believe it was before.

22 Q. Tell me the substance of the inquiry you made?

23 A. I asked him, because they showed me the gun and it
24 didn't look sawed off; it looked like a factory
25 weapon.

1 EDWIN BREWSTER

2 Q. Meaning it was legal; correct?

3 A. Right. It was my concern that it was a legal
4 weapon, so we actually went and got out the
5 definitions again and we made sure the
6 measurements were correct.

7 Q. When you refer to the definitions, you are talking
8 about a penal law; correct?

9 A. Yes, correct.

10 Q. So what did you do to make sure it was correct?

11 A. I measured it again with Officer Wooton.

12 Q. Did you measure with this tape that has been
13 produced here today, but that we haven't marked?

14 A. Yes, sir.

15 Q. How did you read that tape that day?

16 A. I made the same mistake he did.

17 Q. When you say "the same mistake," you have been
18 here during Officers Wooton and Lane's testimony
19 about how they misinterpreted the number the same
20 way; correct?

21 A. Yes, sir.

22 Q. Had you ever used that tape before to measure a
23 gun?

24 A. No, sir. I don't even know where they got it, to
25 tell you the truth.

1 EDWIN BREWSTER

2 MR. ISSEKS: I think we should have
3 this tape deemed marked. Mr. Posner, will you
4 make sure that that tape is preserved for trial?

5 MR. POSNER: Yes.

6 Q. Do you have a problem with having this tape taken
7 out of circulation to preserve it for trial?

8 MR. POSNER: He's not the chief any
9 longer.

10 A. I'm not the chief anymore, so that's not my
11 concern.

12 MR. POSNER: Nice try.

13 MR. SMITH: Let's have this deemed
14 marked as Plaintiffs' Exhibit 1.

15

16 (Plaintiffs' Exhibit 1: MEASURING
17 TAPE, deemed marked for identification)

18

19 Q. After you measured the gun, did you give your
20 officers any instructions on what to do next?

21 A. No, just to proceed with what they were doing.
22 They were getting close to the arraignment.

23 Q. In the Woodstock Police Department at that time,
24 did you have any policies with regard to bail
25 applications or recommendations to a local judge

1 EDWIN BREWSTER

2 if an Assistant District Attorney was not present
3 at the arraignment?

4 A. We would never make a recommendation; that always
5 had to come from the DA's office. The judge would
6 make the determination of whether he wanted a bail
7 recommendation. If he did, he would make the call
8 from the arraignment and have the ADA on call call
9 back.

10 Q. Did the Woodstock Police Department have a policy
11 with regard to the information that would be
12 imparted to a judge in an arraignment where there
13 is no Assistant District Attorney present?

14 A. A written policy, no, sir.

15 Q. Was there a procedure in place as to what kind of
16 information would be imparted?

17 A. Just the nature of the charges. It would be up to
18 the judge to determine; that's what we tell
19 people.

20 Q. Beyond the nature of the charges, would it have
21 been the Woodstock Police Department's procedure
22 to give a judge background information on a
23 suspect such as the suspect's record?

24 A. Only if he would ask for it. He might ask for a
25 File 15. They generally don't do that at

1 EDWIN BREWSTER

2 arraignment; they ask for that later.

3 Q. Were you present at the arraignment?

4 A. No, sir.

5 Q. Before you left the police station, did you learn
6 anything further about the Liptons from Saugerties
7 or from any other law enforcement agency?

8 A. No, sir.

9 Q. Did you ever have any follow-up conversations with
10 that Town of Newburgh police officer?

11 A. No, sir.

12 Q. Did you ever have any conversations with anyone in
13 the Saugerties Police Department about the Liptons
14 after February 14th, 1999?

15 A. No, sir.

16 Q. Same question: Did you ever have any conversations
17 with anybody from any other law enforcement agency
18 such as the state police or the Town of Newburgh
19 about the Liptons after February 14th, 1999?

20 A. Yes, with the state police.

21 Q. When was that?

22 A. I believe it was the next day. Then subsequent to
23 that, Investigator Vasquez was one of the people
24 that I had spoken to, and I believe they had been
25 involved in doing a search warrant at the Lipton

1 EDWIN BREWSTER

2 house and they wanted some information about the
3 arrest, I believe.

4 Q. The conversation the next day, was that with
5 Vasquez or somebody else?

6 A. I don't know if it was with Vasquez or the senior
7 investigator out of Kingston; it was probably the
8 senior investigator out of Kingston.

9 Q. Was that a male or female?

10 A. Male; Officer Collins.

11 Q. Did he call you?

12 A. I don't know if he called me or I called him. We
13 generally spoke on a fairly regular basis.

14 Q. What was the substance of your conversation?

15 A. Just in general if anything had gone on over the
16 weekend, and I had mentioned this to him and
17 mentioned that we had gotten information that the
18 elder Mr. Lipton may have been involved in or been
19 spoken to about the homicide on I-84.

20 Q. Did he say anything about that homicide?

21 A. No. He knew about it, but it didn't sound like he
22 had any intimate knowledge of it. It wasn't his
23 area of investigation.

24 Q. Was it your understanding at that point that you
25 were speaking with the Kingston investigator that

1 EDWIN BREWSTER

2 the suspicion of Mr. Lipton being involved in a
3 homicide was a present suspicion or a past
4 suspicion?

5 A. I didn't know. He didn't tell me one way or the
6 other.

7 Q. Have you ever learned that this suspicion came
8 back as unfounded?

9 A. I have no idea. I don't know if it's present,
10 past, unfounded or whatever.

11 Q. Was the conversation that you had with Vasquez
12 limited to the issue of the search warrant?

13 A. Yes, sir.

14 Q. Anything else?

15 A. No.

16 Q. Were there any other conversations that you
17 remember with the state police about the Liptons
18 after February 14th?

19 A. No, sir.

20 Q. Did there come a time when you learned that a
21 mistake had been made in measuring the gun?

22 A. Yes, sir.

23 Q. When was that?

24 A. The next day.

25 Q. Did you know that the Liptons had been remanded to

1 EDWIN BREWSTER

2 the Ulster County Jail after the arraignment?

3 A. I did the next day.

4 Q. And you knew what the bail was?

5 A. I didn't ask about the bail.

6 Q. By the way, did you have any conversations at any
7 time after February 14th with anybody from the
8 Ulster County Sheriff's Department about the
9 Liptons?

10 A. No, sir.

11 Q. Or any deputies over at the jail?

12 A. No, sir.

13 Q. How did you learn that a mistake had been made?

14 A. Sergeant Van Debogart from my department had told
15 me about it.

16 Q. Did you have any understanding of why he undertook
17 to measure the gun again?

18 A. Well, he's an avid hunter and he had seen the gun
19 itself and he believed it was legal as well. He
20 had a question about whether it was a legal gun or
21 not and he measured it.

22 Q. Do you know if he measured the gun with this tape
23 that he have deemed marked today?

24 A. I don't know what he measured it with.

25 Q. But he told you in no uncertain terms that it was

1 EDWIN BREWSTER

2 legal?

3 A. Absolutely.

4 Q. Did you, yourself, contact anybody, be it the
5 judge or the district attorney, with regard to the
6 fact that a mistake had been made?

7 A. I had Sergeant Van Debogart contact ADA Matera
8 right then that day.

9 Q. When you say "right then," you told him to call
10 the ADA that day?

11 A. Yes.

12 Q. Do you know if he called the ADA that day?

13 A. He told me he did, yes.

14 Q. When did he tell you that?

15 A. Probably within an hour that same day.

16 Q. Did he tell you the substance of his conversation
17 with the ADA?

18 A. No.

19 Q. Did he tell you what the ADA was going to do with
20 it?

21 A. He didn't tell me, no. I assumed they would
22 inform the judge.

23 Q. Do you know if anybody informed the judge?

24 A. I don't know.

25 Q. Did it come to your attention at any time in the

1 EDWIN BREWSTER

2 week following the February 14th arraignment that
3 the Liptons were still in the Ulster County Jail?

4 A. Yes.

5 Q. How did you learn that?

6 A. Well, I don't remember who told me, but somebody
7 told me that another agency had laid a warrant on
8 them.

9 Q. Prior to the issuance of the warrant by another
10 jurisdiction, did you learn that the Liptons had
11 remained in jail on the Woodstock charge for any
12 period of time after February 15th, 1999?

13 A. No, sir.

14 Q. That didn't come to your attention?

15 A. No.

16 Q. Did you ever personally or did you ever instruct
17 any of your officers to do any follow-up as to
18 whether or not Judge Husted had been informed that
19 the gun was legal?

20 A. No, sir, we would not do that. We would go
21 directly to the District Attorney's office, not
22 directly to the judge.

23 Q. As you sit here today, are you aware that for
24 about another four months the Liptons' gun
25 possession case remained an active case in the

1 EDWIN BREWSTER

2 Woodstock Town Court?

3 A. No, sir, I wasn't.

4 Q. Did you just learn that for the first time today?

5 A. Yes, sir.

6 Q. So is it safe to say that after February 15th you
7 had no discussions with the ADA about the Liptons'
8 case?

9 A. That's correct.

10 Q. Did you have any discussions with any of your
11 officers in the next four months about the
12 Liptons' gun possession case?

13 A. No, sir.

14 Q. Did anybody ever advise you that the hearing had
15 been dropped prior to the commencement of this
16 lawsuit?

17 A. I don't believe so.

18 Q. When I say "dropped," I mean dismissed.

19 A. No, I don't believe so. I assume they would be
20 dismissed.

21 Q. Do you have any knowledge as you sit here as to
22 why it took four months to dismiss them?

23 A. No, sir.

24 MR. SMITH: Just one minute.

25

1

2

(Break in the proceeding)

3

4

MR. SMITH: I don't have any further

5

questions.

6

7

(The Examination Before Trial of

8

EDWIN BREWSTER concluded at 1:07 p.m.)

9

STATE OF NEW YORK

10

COUNTY OF _____

11

12

I have read the foregoing record of my

13

testimony taken at the time and place noted in the

14

heading hereof, and I do hereby acknowledge it to

15

be a true and correct transcript of same.

16

17

18

19

EDWIN BREWSTER

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21

Sworn to before me this

22

_____ day of _____, 2002.

23

24

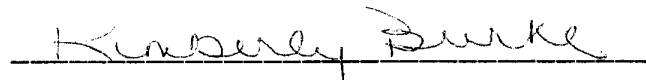
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C E R T I F I C A T I O N

I, KIMBERLY BURKE, a Court Reporter and
Notary Public in and for the State of New York, do
hereby certify that I recorded stenographically
the proceedings herein at the time and place noted
in the heading hereof, and that the foregoing is
an accurate and complete transcript of same, to
the best of my knowledge and belief.

A handwritten signature in cursive script, reading "Kimberly Burke", is written over a horizontal line.

KIMBERLY BURKE

Dated: November 4th, 2002

* * *

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Plaintiffs' 1 Measuring Tape

24 16

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I N D E X T O R E Q U E S T S

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10

DescriptionPage Line

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A search to see if a tape exists of the
telephone call with the Newburgh Police
Department

12 15

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13

A search for any tapes that exist which have
not already been produced

14 22

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EDWIN BREWSTER

Condenselt™

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